

REMARKS/ARGUMENTS

By the present amendment, claims 23, 25, 38, 57, 59, 64, and 72 have been amended in order to specify that the immune globulin used is anti-Rh₀D. Previous claims 24, 27-29, 58 and 61-63 have been deleted. New Claim 74 has been added which specifies an aqueous immune globulin preparation comprising anti-Rh₀D immune globulin and at least one non-ionic surface-active agent. New Claims 75-80 are dependent claims that recite specific embodiments.

Support for the amendments to the claims can be found in the claims as originally filed as well as throughout the specification (e.g. see pages 16-17 of the application and the examples). The amendments have been made without prejudice and without acquiescing to any of the objections. Applicant reserves the right to pursue any of the deleted subject matter in a further divisional, continuation or continuation-in-part application. The amendment does not contain new matter and its entry is respectfully requested.

The Official Action dated May 3, 2004 has been carefully considered. It is believed that the amended claims and the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

35 USC §, 112, First Paragraph

The examiner has rejected claims 23-29, 31-39 and 57-73 under 35 USC § 112, first paragraph as failing to comply with the written description requirement. The Examiner specifically states that only "anti-Rh₀D immune globulins and not the full breadth of the claims meet the written description provision of 35 USC § 112, first paragraph." In order to expedite prosecution, the claims have been limited to anti-Rh₀d immune globulins to thereby obviate this rejection.

In view of the foregoing we respectfully request that the rejection of the claims as not meeting the written description requirements be withdrawn.

The examiner has also rejected claims 23-29, 31-39 and 57-73 under 35 USC § 112, first paragraph as lacking enablement. Specifically, the Examiner states that the specification is only "enabling for a method of increasing the serum half-life of an anti-Rh₀D immune globulin". In order to expedite prosecution the claims have been amended in order to recite anti-Rh₀D immune globulins thereby obviating this rejection.

In view of the foregoing, we respectfully request that rejection of the claims as lacking enablement be withdrawn.

35 USC §, 112 Second Paragraph

The Examiner has rejected claim 71 under 35 USC § 112, second paragraph as being indefinite. In response, claim 71 has been amended in order to specify that the lyophilized preparation is reconstituted in a physiologically compatible medium prior to administration to the animal.

In view of the forgoing, we respectfully request that the rejection of claim 71 under 35 USC § 112, second paragraph be withdrawn.

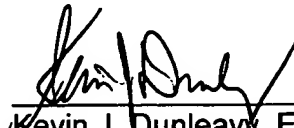
The Commissioner is hereby authorized to charge any deficiency in fees (including any claim fees) or credit any overpayment to our Deposit Account No. 50-0462.

Appl. No. 09/402,446
Amdt. Dated October 22, 2004
Reply to Office action of May 3, 2004

In view of the foregoing, we submit that the application is in order for allowance and an early indication to that effect would be greatly appreciated. Should the Examiner like to discuss the matter, she is kindly requested to contact the undersigned at her convenience.

Respectfully submitted,

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